IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1786 OF 2005

Oceanic Maritime Academy ..Petitioner

Versus

Union of India and Anr. ... Respondents.

Mr. A.L. Gore for the petitioner.

Mr. Rajiv Chavan, Special Counsel, with Mr. Y.S. Bhate and Ms. Rutuja Ambekar instructed by Dr. T.C. Kaushik for the respondents.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.

DATE: AUGUST 04, 2005.

P.C.

1. This petition has been filed by Oceanic Academy, in which the petitioner has challenged the legality, validity and propriety of Clause 2.1 of Director General of Shipping (DGS) Order No. 1 of 2003, which stipulates the requirement of 2 hectares of land for setting up a Marine Academy.

2. It may be pertinent to mention that the petitioner had earlier filed a Writ Petition bearing No. 9891 of 2004, which came up before a Bench of Hon'ble Mr. Justice V.G. Palshikar and Hon'ble Mrs. Justice Nishita Mhatre on 14th January, 2005. The petitioner was permitted to withdraw the petition with liberty to approach the respondent for relaxation of conditions.

1. In deference to the order passed by the Division Bench, the Ministry of Shipping, Road Transport and Highways, Directorate General of Shipping, Government of India, re-considered the petitioner's request. It is clearly mentioned in order dated 23rd February, 2005 that the condition in Clause 2.1 of DGS Order No. 1 of 2003, by which 2 hectares of land is necessary for setting up the Marine Academy, cannot be relaxed. The Director General of Shipping can only take the decision regarding requirement. Despite the order dated 23rd February,

2005, the petitioner, again, filed Civil Application No. 699 of 2005 in Writ Petition No. 9891 of 2004, which was dismissed on 19th April, 2005.

2. The petitioner, again, filed Civil Application No. 1382 of 2005, which came up before a Bench of Hon'ble Mr. Justice H.L. Gokhale and Hon'ble Mrs. Justice R.S. Dalvi, which was rejected on 24th June, 2005. The petitioner is still aggrieved and has, again, approached this Court with the same relief.

3. We have heard the learned counsel for the parties and seen relevant documents and previous orders passed by the Courts. We do not find any merit in this petition. This petition is accordingly dismissed.

CHIEF JUSTICE

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S.J. VAZIFDAR,

J.